

**CALIFORNIA COASTAL COMMISSION**

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**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-01-450**APPLICANT:** California Department of Transportation (Caltrans)**AGENT:** Stephanie Reeder; Stefan Galvez**PROJECT LOCATION:** Lincoln Boulevard (California Route One) between Jefferson Boulevard and Fiji Way, Playa Vista, City of Los Angeles, and Playa Vista Los Angeles County, Los Angeles County.**PROJECT DESCRIPTION:** Widen Lincoln Boulevard between Jefferson Boulevard and Fiji Way to seven travel lanes and one sidewalk on east side of road; plus an additional lane to connect to Culver Loop ramp connectors; tapering as the road approaches Fiji Way, construct new northbound four lane bridge over Ballona Creek adjacent, parallel to, and east of, the existing bridge; demolish old Culver Boulevard overcrossing and railroad bridge piers; replace with new 65-foot wide two lane overcrossing to carry Culver Boulevard over Lincoln Boulevard; install off-road bike-jogging trail between Jefferson Boulevard and Fiji Way; water quality improvements.**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending **DENIAL** of the project. The proposed bridge would add four through lanes by constructing a new bridge over Ballona Creek on Lincoln Boulevard that will be parallel and adjacent to an existing bridge that carries Lincoln Boulevard over Ballona Creek. The project will remove obstructions to widening Lincoln Boulevard by replacing the part of a second road, Culver Boulevard, that bridges over Lincoln Boulevard just north of Ballona Creek (Culver Overcrossing) and removing the abutments of an abandoned Pacific Electric Railroad Bridge. The project includes a fifth northbound lane to facilitate merging on and off Lincoln Boulevard at Culver Boulevard. The project will also add small areas of pavement to existing widened transition areas on Lincoln Boulevard to create a full seven lane road: three north bound lanes and four south bound lanes between Ballona Creek and Fiji Way. The bridge will require about 1,267 square feet of fill in Ballona Creek, a wetland, to accommodate one of the bridge piers. The fill for the pier is wetland fill. The applicant has not demonstrated that the fill for the bridge piers is consistent with Section 30233's standards for fill of wetlands. **The resolution is found on page 3.**

The 1999 Bolsa Chica decision from the California Court of Appeal sets out very narrow criteria for allowing wetland fill under Section 30233(a)(5) of the Coastal Act, including fill for road purposes only in certain circumstances.<sup>1</sup> It states, in part, "Roadway expansions are permitted only when no other alternative exists and the expansion is necessary to maintain existing traffic capacity..."<sup>2</sup> The court further found that the exception for maintenance of existing traffic capacity did not apply when, as in the case under its review, road widening is needed to accommodate future traffic created by local and regional development in the area. It found that "this limited exception cannot be extended by finding that a roadway expansion is permissible when, although it increases the vehicle capacity of a roadway, it is designed to maintain an existing level of traffic service."<sup>3</sup> Increases in roadway capacity needed to accommodate future traffic created by anticipated or proposed local and regional development in the area are not consistent with those criteria. Moreover, even if the purpose of the fill were found to be permissible, the applicant has not demonstrated that the proposed project is the least environmentally damaging alternative, as is also required by Section 30233. The applicant noted in its draft Negative Declaration that it is proposing an *in lieu* transfer of funds to the Southern California Wetlands Recovery Project for use in the Ballona wetlands area, for monitoring and enhancement of terrestrial wildlife corridors as mitigation for the project. However, it has provided no details of this proposed mitigation and has not specified how the payment of this fee would result in the restoration of wetlands in an appropriate ratio. The project representatives could not confirm this proposed mitigation measure.

In addition, the project as proposed cannot be found to be consistent with Sections 30231 or 30240, which protect marine resources and the functioning of environmentally sensitive habitat. The applicant argues that Ballona Creek, which is subject to tidal action and contains tidal mud flats, is not a wetland because it is a channelized creek. However, it is periodically inundated, and subject to tidal action. It is a sensitive habitat area, supporting many species of birds, including shorebirds, and endangered birds such as the brown pelican, and least terns. Finally the term wetlands is defined in the regulations 14 C.C.R. section 13577(b)(1) to include "...wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate." Therefore, even if this is more appropriately characterized as a 'stream' rather than a 'wetland' the same analysis applies."

The roadside area subject to the widening also supports habitat. The applicant is proposing measures to reduce light and to prevent road kills to address habitat issues, but indicate that the habitat value of the area adjacent to the road is limited. In support of this, the applicant argues that the vegetation in the portions of Areas A and C that would be impacted by the project the vegetation is a mixture of coastal sage scrub and ruderal plants, with ruderal (weedy) plants predominating. On the other hand, opponents have identified additional areas on the top of the fill slope adjacent to the road in Area A that

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<sup>1</sup> Bolsa Chica Land Trust v. Superior Ct. (1999) 71 Cal. App. 4<sup>th</sup> 493.

<sup>2</sup> Id. at 517

<sup>3</sup> Id.

they believe to be wetland. The Commission's senior staff biologist does not support the characterization of this area as a wetland. (See page 11 below)

Secondly, the passage of the state wide water quality bond measure in the November 2002 elections makes it very likely that the land on the west side of Lincoln Boulevard (Area A Playa Vista) will be acquired for public park and habitat protection purposes. The State Controller has already indicated that the land held in trust for the State on the east side of the road, Playa Vista Area C, can be transferred to a state recreation or conservation agency as part of the same plan. The opponents argue that this possible acquisition is a reason to deny any application that would alter the areas. The Commission's ability to deny development on the basis of possible acquisition by the Department of Parks and Recreation is limited to cases in which the Department of Parks and Recreation has been specifically authorized to acquire the property **and** there are funds available, or funds which could reasonably be expected to be made available within one year, for the acquisition (30604)". In this case, because of the passage of the bond issue, funds are reasonably expected to be available, but there is no evidence that the specific authorization has occurred. Because the first element is present, the staff has analyzed the compatibility of the development with future use of Areas A and C as a park. If the land on both sides of Lincoln Boulevard (about 209 acres) is acquired for a park, then pursuant to Section 30240(b), the design of the road should be considered along with the design of the park and restoration program. Even though the land proposed for widening immediately adjacent to the roadway is land that has been disturbed by grading and clearance activities and is not wetland, the project could still impact restoration of the site. Various alternatives for restoration, including some that involve changing the configuration of the creek banks, have been advocated. These different configurations could affect the design of the bridge and placement of the pilings.

Lincoln is an important north/south highway in this part of Los Angeles, serving as the only/south alternative to the 405 Freeway west of the Freeway. However, the project is designed for a level of growth that may not occur. The Caltrans Project Report states that the bridge will be needed to accommodate growth from the Playa Vista development and from the anticipated expansion of the Los Angeles International Airport. The report indicates that Lincoln is already at or above capacity (Los E at Fiji Way and at Jefferson Boulevard). The Cities of Los Angeles and Culver City have approved a number of projects within and adjacent to the coastal zone. None of these projects requires as a mitigation measure that Lincoln Boulevard in this area be widened to seven lanes. The Playa Vista Phase One Adopted Mitigation Measures do not identify widening this bridge as necessary to accommodate the traffic for Playa Vista Phase One. Instead, Playa Vista Phase One is required to enhance turns onto Culver Boulevard from Lincoln Boulevard. Playa Vista and the City of Los Angeles have agreed on a method to do this that does not add any lanes to Lincoln Boulevard north of Ballona Creek. While Playa Vista Phase One is approved and vested, there are indications that much of Phase II will be abandoned if the acquisitions noted above are carried out. Playa Vista Phase II includes development of about a third of Area D (located outside the Coastal Zone) and Areas A, B and C within the Coastal Zone. It is Phase II, the part of Playa Vista that may not be carried out, that was, at one time, anticipated to require widening Lincoln Boulevard to eight lanes. . As

noted elsewhere, Area C is held in trust for the State of California, and may become parkland. Playa Vista has signed an option agreement to sell Area A and the remainder of Area B to the Trust for Public Land for park and habitat restoration purposes. This transfer would reduce Playa Vista's impact on roads. When Caltrans approved the proposed project in mid-90's, the City of Los Angeles was considering a major airport expansion that has since been reduced. While it is likely that the airport will still be expanded, the number of automobile trips necessary may not be as large as assumed in the mid 1990's.

Further, the documents that the applicant has provided in support of its right to develop the road were based on the need for the project for either Playa Vista Phase I or for Playa Vista Phase II. The Project Report indicates that the City of Los Angeles would acquire and dedicate necessary right of way to the state. In support of this, the applicant has provided a number of documents, although Caltrans argues that, as a state agency, it has the right to widen a road without ownership interest or advance permission because it can exercise eminent domain to acquire land for public highways. The documents Caltrans provided include a letter from the Trust for Public Land indicating that there is a "Bargain Sale Agreement" between the Trust for Public Land and Playa Capital, allowing the Trust for Public Land to acquire Area A. The letter states that the agreement allows Playa Capital, or public agencies acting on its behalf, to develop roads necessary for Playa Vista Phase I in Areas A and B, and that the proposed road is allowed by the agreement (Exhibit 16). The applicant provided a similar agreement between the Trustee for Area C, and Playa Capital that similarly allowed Playa Vista (or its agents) to widen roads on Area C that are listed in the certified Land Use Plan. The 1990 Easement Agreement between the Trustee (U.S. Trust Co. of CA) and Maguire Thomas Partners – Playa Vista, LLC (without the Controller), allows Maguire Thomas (or its successor Playa Capital) to enter upon Area C as necessary to construct "Improvements" (as defined in paragraph 4 and 6(e) of the Security Agreement). Caltrans has not provided the Security Agreement. However, after the subject application was deemed complete, Playa Capital provided a list of revised City of Los Angeles traffic mitigation measures for Phase I that did not include the work that is subject to this application. Caltrans may need to use a different method of acquiring the right-of-way if the road widening is not a required mitigation measure for Playa Vista Phase I development. Nevertheless, the right of the applicant to carry out the project without additional legal or legislative action is not established.

Finally, the road widening proposed in this application would connect to a part of Lincoln Boulevard north of Fiji Way that is limited to six through lanes. The applicant argues that the widening is necessary to accommodate southbound traffic leaving the Marina del Rey and to avoid abrupt tapering of Lincoln north of Jefferson. In response to arguments that the widening will simply relocate the taper northward, the applicant argues that greatest enhancement addresses south bound traffic, which will connect with Culver Jefferson and other east west roads in an already wider stretch of Lincoln, that there is not on-street parking between Fiji and Route 90 so that there is no taper until well after the intersection with route 90

## SUBSTANTIVE FILE DOCUMENTS –SEE APPENDIX

### Staff note

**LOCALLY ISSUED PERMITS UNDER 30600(b).** The City of Los Angeles has assumed the responsibility of issuing coastal development permits within its boundaries as permitted in Section 30600(b) of the Coastal Act, which allows local governments to review and issue coastal development permits prior to certification of a Local Coastal Program (LCP). Section 30600(b), however, provides that local governments do not have jurisdiction to issue coastal development permits under this program to public agencies over which they do not normally have permitting authority, such as schools and state agencies. Therefore, unlike many other projects that the Commission has reviewed in the City, this project has not received a coastal development permit from the City of Los Angeles.

Section 30600 states in part:

#### **Section 30600**

(a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.

(b) (1) Prior to certification of its local coastal program, a local government may, with respect to any development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620, and 30620.5, establish procedures for the filing, processing, review, modification, approval, or denial of a coastal development permit. Those procedures may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government.

(2) **A coastal development permit from a local government shall not be required** by this subdivision for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, **or for any development by a public agency for which a local government permit is not otherwise required.**  
(Emphasis added)

The City of Los Angeles does not have permit jurisdiction over development carried out by the State Department of Transportation elsewhere in the City of Los Angeles. Therefore, the Department of Transportation has applied directly to the Commission for this coastal development permit for the development that is proposed inside the Coastal Zone. Area

C is in the City of Los Angeles. There is a certified Land Use Plan for this area (1987 Certified Playa Vista LUP, but there is no certified LCP.

**Jurisdiction of Los Angeles County.** Area A and those parts of Lincoln that are east of Area A are located in unincorporated Los Angeles County, in an uncertified segment of the County where there is also a certified LUP (the Marina del Rey LUP of 1987, later segmented into the Playa Vista Area A LUP and the LUP for Marina del Rey proper. There is no certified implementation plan (LIP) and therefore no certified LCP for Area A.” Because there is no certified local coastal program for Area A, the standard of review for this development is the Coastal Act. Caltrans must apply directly to the Commission for this part of project also. An earlier application showed some work in located in an area subject to the certified Marina del Rey LCP. Caltrans sought and received an exemption for minor work to road medians within this area from Los Angeles County, and that work is no longer part of this application.

#### **I. STAFF RECOMMENDATION:**

Staff recommends that the Commission **deny** the proposed projects by adopting the following resolution.

#### **STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. 5-01-450 for the development proposed by the applicant.*

#### **STAFF RECOMMENDATION OF DENIAL:**

Staff recommends a **NO** vote. Failure of this motion will result in **DENIAL** of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION TO DENY THE PERMIT:**

The Commission hereby **DENIES** a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act, and will prejudice the ability of the local governments having jurisdiction over the area to prepare Local Coastal Programs conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would

substantially lessen the significant adverse impacts of the development on the environment.

## **II. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

### **A. PROJECT DESCRIPTION AND LOCATION**

The applicant proposes to widen Lincoln Boulevard, California Route 1, to up to seven travel lanes between Jefferson Boulevard and Fiji Way in Playa Vista. In addition to adding three lanes throughout the entire distance, Caltrans proposes a fourth lane on the bridge to direct traffic to the Culver Loop ramp. In order to accommodate the widening, Caltrans proposes to construct a new four-lane bridge on Lincoln Boulevard over Ballona Creek adjacent to, parallel to and east of existing bridge, a sidewalk on east side of the road; and to install an off-road bike/jogging trail between Jefferson Boulevard and Ballona Creek. As part of this project, Caltrans proposes 11-foot wide travel lanes except for the outer lane, which will be 12 feet to accommodate commuter bicycles. In addition, Caltrans proposes to demolish and replace a portion of Culver Boulevard: a bridge/overcrossing that carries Culver Boulevard over Lincoln Boulevard (Overcrossing), to demolish the piers of an abandoned Pacific Electric Railroad bridge and to install water quality improvements.

The following is the applicant's project description:

The California Department of Transportation proposes to widen Lincoln Boulevard between Jefferson Boulevard and Fiji Way to four southbound lanes and three northbound lanes. The Lincoln North project includes the construction of a northbound auxiliary lane between Jefferson Boulevard and the Culver Loop connectors, and demolition the existing Culver Boulevard overcrossing to raise the structure profile, and replace it with an approximately 65 feet (19.8 m) bridge stripped for two lanes. The sidewalk on the south side of Culver Boulevard will also be replaced. In addition, the existing railroad bridge abutment will be demolished, and a new four-lane bridge over Ballona Creek will be constructed parallel to and east of existing bridge. The project also includes a separate multi-purpose (Class I) [bicycle and jogging] path between Jefferson Boulevard to just south of Fiji Way, and a sidewalk on eastern side of Lincoln Boulevard. Shoulders would be provided for on-road bike lanes between Jefferson Boulevard and Fiji Way. Water quality improvements, including bioswales, catch basins, and trash removal devices will be included as part of the project.

This project overlaps with a recently approved project, 5-02-087, in which Caltrans also proposes to widen Lincoln Boulevard, but which would widen Lincoln south of Jefferson Boulevard to eight lanes and add modest widths north of Jefferson Boulevard, tapering to the present four-lane bridge, which Caltrans proposes to widen in this project 5-01-450. The new parallel, adjacent, bridge would include four through travel lanes and a ramp that

would connect to the Culver Boulevard Loop. Because this project would double the width of the bridge over Ballona Creek, and replace the Culver Boulevard overcrossing over Lincoln Boulevard to accommodate Lincoln's proposed eight lanes, this project would make it possible to widen Lincoln to seven lanes between Jefferson Boulevard and Fiji Way. The bridge will require pilings in Ballona Creek, requiring 3415.8 square feet of wetland fill. The new bridge is designed to accommodate the alignment of Culver Boulevard that is proposed in the Playa Vista Master Plan.

This project extends to 80 yards south of the Marina Drain, an existing tidal creek. No development or fill in the tidal creek is proposed, although Caltrans proposes a ten-foot wide bridge for the bicycle/jogging path over the Marina drain. The project includes the installation of railings, drainage facilities and lighting. The Ballona Creek Bike Path will be closed for about a year during construction.

Caltrans initially provided the following calculations regarding the amounts of fill necessary to construct the pilings:

<b>EXCATION AND FILLING -- SIZE F PIERS</b>					
Location	Footing size (sq. ft.)		Depth	Area (sq. ft.)	Excavation (Cubic yards)
	Length	Width			
Pier 2	88.976	11.811	3.280	1050.896	457
Pier 3	95.407	11.811	3.280	1126.852	489
Pier 4	104.823	11.811	3.280	1238.064	536
<b>Total</b>				<b>3,415.812</b>	<b>1,482</b>

Caltrans has corrected its calculations to indicate that only Pier 3, the center pier, will be placed in the streambed. The other two piers will be placed in the existing gunite-covered granite wall of the channel. Therefore, the wetland fill attributable to this project is 1,227 square feet.

As will be noted in the following sections, this road widening is viewed by State, City and County authorities as necessary for traffic efficiency. However, in granting a coastal development permit, the standard of review is not limited to traffic efficiency, which is one factor, to the extent that it increases access. Even if the road relieves congestion outside the coastal zone or on other roads within the coastal zone, it must still conform to all of the other Coastal Act standards, including those relating to habitat, views, public access and recreation. The standard of review for the Commission is the consistency of the project with the Coastal Act. As demonstrated below, this project raises issues of consistency with Coastal Act policies.

## **B. WETLANDS AND OTHER SENSITIVE HABITAT AREAS.**



This project includes the construction of a bridge over Ballona Creek. The bridge will be supported by three piers, resulting in about 1,227 square feet of fill in the stream bottom to accommodate the footings for the piers. (See chart on page 8, and correction.) Ballona Creek is a major flood control channel, and major drainage, draining 130 acres of Los Angeles County. The creek is subject to tidal action as far east as Centinela Boulevard. While the creek has been channelized since the mid 1930s, the bottom of the creek is not lined. The creek bottom is "land . . . covered periodically or permanently with shallow water"--a wetland, pursuant to Coastal Act section 30121. The fill for the pier constitutes wetland fill for purposes of Coastal Act Section 30233.

The project will also cut into the fill slope on either side of the road into Areas A and C Playa Vista. The applicant proposes to construct a detour in Area A, west of Lincoln Boulevard. The new permanent road will extend about 30 feet west of the current edge of Lincoln Boulevard into Area A. While the land on either side of the road is a former wetland, it is now covered by about six feet of fill, and Lincoln is currently lower than the adjacent land. While both Areas A and C contain wetlands, the applicant asserts that the land disturbed for permanent road construction are not wetlands and are not otherwise sensitive. While the draft Negative Declaration indicated that additional area in Area A would be disturbed for stockpiling and a detour, the applicant now asserts that all would be confined to the existing right of way or land approved for the actual widening. The Department of Fish and Game has formally concurred that the land the applicant will grade, clear, or in any way disturb for this project is not wetland. This project includes no development in Area B. Area B is the land located west of Lincoln Boulevard and south of Ballona Creek.

Section 30233 of the Coastal Act limits fill in wetlands except for certain purposes. Sections 30231 and 30240 protect the productivity of habitat areas. Section 30233 states, in part:

**Section 30233**

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

. . .

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

. . .

(7) Restoration purposes.

In 1989, the United States Army Corps of Engineers delineated the wetlands in Playa Vista (Exhibit 24). In 1991, after the Corps mapped its jurisdictional wetlands in Playa

Vista, the Department of Fish and Game upgraded its 1983 Playa Vista wetland maps to identify as state wetlands all areas in Area B, Playa Vista, that the Corps identified as wetlands (Exhibit 24.) Previously the Department of Fish and Game had designated these areas "Ag," farmed area that could revert to wetland if farming ceased resulting in the emergence of wetland vegetation (Exhibit 24.) After farming ended the Department of Fish and Game did not revisit the former farmed areas to determine whether they reverted to wetlands under State criteria, which are more inclusive (requiring satisfaction of only one criterion instead of three to determine whether land is a wetland). In 1989, the Corps delineated the wetlands in Playa Vista's ownership to determine its jurisdiction for purposes of its 404 program (as Waters of the United States). The Corps identified land in all areas of Playa Vista as wetlands. In Area B, the land west of Lincoln and south of the Ballona Creek channel, the Corps identified more land as wetland than the Department of Fish and Game had delineated as wetland in 1983. All the newly delineated areas were located in former agricultural land. The Department of Fish and Game subsequently (in 1991) adopted the Corps delineation of Area B<sup>4</sup>. While in 1991 the Department of Fish and Game identified additional land in Area B as wetlands, it did not resurvey the lands itself and consequently did not recategorize any lands as wetlands in Area B that did not meet the wetlands criteria of the US Army Corps of Engineers. The Corps delineation of Areas C and A, identified substantially less wetland than the 1983 Department of Fish and Game delineation of those areas, so the Department did not change its 1983 delineation for Areas A and C. The areas the Department of Fish and Game delineated as wetlands in Areas A and C were located close to the Marina Drain and other lower areas located near the center of each area. The grading proposed for this

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<sup>4</sup> The Department noted that the Corps delineators had found hydrophytic plants and hydrophytic soils and some evidence of periodic flooding. Since any one of these could be evidence that the land is "periodically covered by shallow water", the standard of a wetland under a State criterion, there was evidence that the area was a wetland. Under the Cowardin method of wetland delineation, a method used by the Department of Fish and Game in California, a site is a wetland if one of the following applies:

- 1) the land is periodically inundated or saturated, or
- 2) the soils are predominantly hydric (soils that are periodically anaerobic due to saturation), or
- 3) the predominant vegetation is adapted to life in saturated soil conditions.

In its regulations, the Commission defines wetlands

13577(b) Wetland ... Wetlands shall be defined as land where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, waterflow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface wet or saturated substrate at some time during each year and their location within or adjacent to vegetated wetlands or deepwater habitats. For purposes of this section, the upland limit of a wetland shall be defined as:

- (A) The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
  - (B) The boundary between soil that is predominantly hydric and soil that is predominantly non-hydric;
- or

(C) In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not.

project does not extend into those identified wetland areas—stopping eighty meters (about 260 feet) south of the Marina Drain (Exhibits 5, 9,10,11).

### **Wetland status of land proposed to be disturbed in Area A.**

Area A has been surveyed twice after the delineation that occurred as part of the local coastal program. There is a wetland near the end of the Marina Drain and in other lower areas near the center of the site. The land subject to disturbance in this project was not identified as a wetland in any of the surveys. When the present project was initially discussed, a Fish and Game biologist visited the site and concurred that the project would not disturb any wetland. Most recently, the applicant's consultants surveyed the site in the area of disturbance. The surveyors identified no wetland indicator plants within the area of disturbance. The senior staff biologist, Dr. John Dixon also visited the site briefly in the fall of 2001. He requested additional documentation of the species and locations of plants present, which the applicant completed. In late July, both the opponents and the applicant identified a small (300 sq. ft. stand) of seaside heliotrope (*Heliotropium curassavicum*), within the area identified for widening. The heliotrope is located six or seven feet above the elevation of the road, in an area that is otherwise dominated by weedy introduced plants such as mustard and chrysanthemum. The applicant contends that while heliotrope is sometimes identified with wetlands, that in this instance, it does not indicate that the area is a wetland. After the applicant provided additional information regarding the heliotrope, Dr Dixon reviewed the report and revisited the site. The report (Exhibit 19) documents that heliotrope is frequently found in arid sites, as well as in wetlands<sup>5</sup>. In addition, Dr. Dixon visited the site on December 4, 2002 and also examined photographs taken in the spring, summer and in the fall 2002. He concluded that in this instance heliotrope is not acting as a hydrophyte, does not indicate wetland hydrology and probably was not the predominate vegetation in the spring when the wetland delineation was conducted. At that time, upland species, such as non-native grasses and other exotics including Chrysanthemum, appeared to predominate. However, by about July 31, 2002<sup>6</sup>, the standing upland vegetation in the immediate vicinity of the heliotrope was gone and heliotrope appears to be the principal dominant species present in a small open area. By December 4, 2002, the surface growth of heliotrope had dried out and dense seedlings of what appeared to be Chrysanthemum coronarium were the dominant. Despite the fact that heliotrope dominated a small patch of ground late in the dry season, Dr. Dixon concluded that the predominant vegetative characteristic of this site is upland, not wetland.

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<sup>5</sup> Dr. John Dixon, CCC staff ecologist, also believes that seaside heliotrope, *Heliotropium curassavicum*, is misclassified in the U.S. Fish & Wildlife Service National List of Plant Species That Occur in Wetlands, Region 0 – California. This belief is based on the observed common occurrence of this species in dry, upland settings in southern California and by the assertion of Mr. Wayne Ferren (U.C. Santa Barbara Herbarium) on November 29, 2001 at a symposium of the Southern California Wetland Recovery Project that *H. curassavicum* is misclassified and should be designated FAC (plants with similar likelihood of occurring in both wetlands and nonwetlands).

<sup>6</sup> The exact date is not clear. Mr. Rex Frankel (Ballona Ecosystem Education Project) notified staff of the presence of the heliotrope by email on 7/31/02 and stated he had photographs and would send color photocopies. Staff received the photocopies on 8/12/02, but the hand printed date on the photos was 8/31/02. Staff assumes that should have been 7/31/02.

Heliotrope is frequently found in upland situations and at this site was associated with upland species during most of the year.

The Commission notes that the heliotrope is very similar in growth pattern and location and to the situation of the heliotrope identified within the Culver Loop (CDP 5-01-382A-5-00-417). In that case the Commission's senior biologist Dr. John Dixon, also determined that the area could not be considered wetland, even though heliotrope, which is sometimes found in wetlands, was present.

### **Wetland status of land proposed to be disturbed in Area C**

The applicant proposes minimal disturbance in Area C. The Department of Fish and Game delineated the wetlands on the site in the 1970's. Most recently, the applicant's biologist surveyed the land areas that would be subject to grading as part of this project. The survey indicated that no wetland plants or wetland indicator plants exist within the area of proposed disturbance. In August 2002, Commission staff confirmed the presence of heliotrope. However, the staff concurs with the conclusion that the area on the top of the fill slope where the heliotrope was found is not a wetland, and with the applicant's delineation. The wetland issues that do arise with this project are the (1) consistency of the fill of the Creek bed for the bridge piers with the Section 30233 and (2) compatibility of the development with the continuance of nearby wetland habitats.

The project must conform to the following before the Commission may allow fill of a wetland:

- a) [The project] Shall be limited to the following ... (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.  
(7) Restoration purposes.
- b) There is no feasible less environmentally damaging alternative
- c) Feasible mitigation measures have been provided

Cal. Public Res. Code (Coastal Act) § 30233(a).

### **1. Allowable purposes of wetland fill**

The purpose of the proposed wetland fill (fill of the creek bed) is for a public bridge. Section 30233 allows wetland fill if it is for incidental public service purposes. In the Bolsa Chica case, however, the courts indicated that a wetland could not be filled for a public road if the purpose of the fill was to maintain the road capacity to accommodate new development:

The activities which may occur in wetland areas are, as [the] Commission noted, set forth with great specificity and detailed limitation in section 30233, subdivision (a). Such specificity and detail does

not occur either in the general provisions accommodating industrial and commercial uses (see §§ 30001.2, 30708) or in the limitation on ESHA development set forth in section 30240. Given that section 30233, subdivision (a), provides specific and detailed limitation on the uses permitted in wetland areas, we believe it was reasonable for Commission to conclude that with respect to wetland ESHA'S, section 30233, subdivision (a), is a more specific guideline for what may occur in a wetland ESHA than either the accommodation of development expressed in sections 30001.2 and 30708 or, the more general limitation set forth in section 30240.

Practicality, as well as the need to maintain a consistent level of wetland protection, suggest that development of wetland ESHA's are governed by the very specific and uniform limitations set forth in section 30233, subdivision (a), rather than by way of the essentially ad hoc balancing process permitted by section 30007.5. Given the myriad of wetland areas which exist in the coastal zone and the inherent conflict between the permissive policy expressed in sections 30001.2 and 30708 and the restrictive policy of section 30240, in the absence of the limitation set forth in section 30233, subdivision (a), case by case balancing of interests under section 30007.5 would be repeatedly required.

Although we accept Commission's interpretation of sections 30233 and 30240, we do not accept Commission's application of that interpretation to Warner Avenue pond. In particular, we note that under the Commission's interpretation incidental public services are limited to temporary disruptions and do not usually include permanent roadway expansions. Roadway expansions are permitted only when no other alternative exists and the expansion is necessary to maintain existing traffic capacity. As the trust points out, Commission found that the widening of Warner Avenue was needed to accommodate future traffic created by local and regional development in the area. Contrary to Koll's argument, this limited exception cannot be extended by finding that a roadway expansion is permissible when, although it increases the vehicle capacity of a roadway, it is designed to maintain an existing level of traffic service. Such an interpretation of the exception would entirely consume the limitation Commission has put on the incidental public services otherwise permitted by section 30233, subdivision (a)(2) [sic]. Bolsa Chica, supra at n.1, 71 Cal. App. 4<sup>th</sup> at 516-17.

The Caltrans project report indicates that the reason that the bridge is necessary is that increased development and increased population in the area makes it necessary to expand the road. The Caltrans project report gives the following justification for the project:

There is a severe shortage of continuous north south arterial streets in the project area due to the nearby irregularly shaped coastline and physical barriers such as LAX airport, Marina del Rey and wetlands. Thus, Route 1 becomes major traffic carrier in the project area. The development proposals in the study area will increase the average daily traffic (ADT) from existing condition 53,000 to 69,838 in the year 2023. The existing facility will be unable to accommodate the increased traffic demand, which will result in heavily congested and gridlocked conditions throughout most of the day.

Lincoln Boulevard at the two key intersections at Fiji Way and Jefferson Boulevard currently operate at level services LOS E conditions during peak periods. Design year 2023 demand is projected to exceed capacity by anywhere from 23% to 24% during peak hours of the day in the corridor. Without improvements, the two key intersections in the project segments for year 2023 will operate at LOS F conditions during the peak periods within project. With the project, the level of service at the two intersections will be E during peak hours.

The project is justified because it will relieve traffic congestion, reduce queuing and delays improves safety and increases roadway capacity to address the anticipated further development and traffic growth See Table 1 and Table 2 for traffic data and level of service. (*Caltrans project report on Route 1 WA –7279-166-5-, 166060 166070; March 27, 2001 Route 1 (Lincoln Boulevard) from Jefferson Boulevard to Fiji Way.*)

The purpose of the fill is to maintain the existing level of service of Route 1 in the face of expected growth. Therefore, under the interpretation of section 30233 enunciated by the courts in the Bolsa Chica decision, the fill is not allowable via section 30233(a)(5).

## **2) Alternatives.**

Before the Commission can approve wetland fill, even for an allowable purpose, the Commission must determine that there is no feasible less environmentally damaging alternative.

a) One alternative available here would be to bridge the creek with a bridge that requires no footings in the creek. If it were feasible to construct the bridge as a suspension bridge, involving no wetland fill, the Commission could find the bridge consistent with Section 30233(a)(5). Caltrans indicates that it has not pursued this alternative because of the expense. The creek channel is 95 feet wide, and the soils in this location are saturated and subject to liquefaction. The 95 feet is the floodway—a bridge footing would have to be outside of the floodway. A bridge that had no footings in the creek would significantly increase the cost of the road-widening project. (Exhibit 20)

b) A second alternative would be to route traffic on other routes. In this case, Caltrans analyzed six other routes (Exhibit 22). Caltrans concluded in its project report that there are no north south routes to the west of Lincoln because the Ballona Wetland, Marina del Rey and the Marina del Rey entrance channel interrupt north south routes. East of Lincoln Boulevard, Centinela extends from the toe of the Ballona bluff northward, but must swing east to avoid the Santa Monica hills and the Santa Monica Airport. South of Playa Vista, Centinela must swing east to avoid the bluff face of the Ballona bluffs. The 405 Freeway and Sepulveda are the next north south routes and they are at capacity. Widening Lincoln is the only feasible way to accommodate expected increases in north south traffic.

c) As indicated in related reports, it is possible to accommodate some trips on mass transit. There is no rail line existing or proposed in this area in the foreseeable future. Unless one is installed, any mass transit trips on this north-south route would use buses and jitneys, which would use Lincoln Boulevard. Estimates of likely usership found in Playa Vista environmental documents run from five or six percent of trips, which Caltrans planners insist would not accommodate enough trips to provide a meaningful alternative.

d) A fourth alternative is the no project alternative. In this case, this alternative may be feasible. This project is needed to handle increased traffic from expansion of Los Angeles International Airport (LAX) and from Playa Vista Phase II. There is a strong possibility that

the parts of Playa Vista Phase II that are located in the Coastal Zone will not develop. The Trust for Public Land (TPL) has signed an option to buy Area A and the portions of Area B identified for development. Area C is held in trust for the State of California. Recently the State Controller's office has indicated that it would be possible and desirable to transfer this area to the Department of Parks and Recreation for park purposes. If the level of development is indeed reduced, this would result in reduced traffic. While parks and public areas also generate traffic, the amount of traffic that would be generated by a park is significantly less than the amount of traffic that would be generated by the office, commercial and residential development that Playa Capital originally proposed. Unlike areas outside the coastal zone, which received their entitlements for intense development in the early 1980's, Playa Vista within the coastal zone has received no entitlements. Projections of LAX growth were made before significant opposition to airport growth emerged and before international events resulted in a significant drop in the number of trips. Right now there are many unknowns –the level of traffic to be expected from a significantly changed Playa Vista project, the likelihood that TPL will be able to purchase areas A and B, the ability of the state to retain Area C and the ultimate level of development of the airport and the traffic patterns developed to serve it. Caltrans argues that even with significantly less Playa Vista traffic, traffic will continue to grow along this corridor. Because there is strong evidence that some or all of these changes in the level of development will occur, the Commission finds that the no project alternative is a feasible alternative.

e) A fifth alternative would be to restripe Lincoln to six lanes through much of its length, which would significantly reduce traffic congestion. The coastal development permit for recently approved widening of the southern portion of Lincoln Boulevard, between Loyola Marymount University and Jefferson Boulevard also allows this restriping. This alternative does not require wetlands fill but does not, alone, accommodate foot and bicycle access.

### **3. Mitigation measures:**

If the fill were approvable, and the project were found to be the least environmentally damaging alternative, the fill would still have to be mitigated. However, the applicant is not proposing any mitigation. It would be possible to find potential sites for mitigation in this general area. The fill involved is about 1,227 square feet. At a ratio of 4:1 the applicant would be required to identify, reserve and restore about 4,908 square feet of former wetlands within the Ballona ecosystem. The Commission could specify that the applicant must acquire or identify an area that is no longer a wetland, that would otherwise not be restored, assure its acquisition by an appropriate agency and assure its restoration. In this Ballona region, there are areas of at least 4,908 square feet ) that are former wetlands that are not now functioning as wetland due to fill or interruption of tidal flow. Some of these areas are under public control or have been offered for acquisition. They could be restored as mitigation for this bridge. If the Commission were to approve this project, the applicant would have to modify the project to include adequate mitigation.

The proposed project is for a public service purpose, which will result in a permanent impact to a wetland. The Bolsa Chica decision cited above seems to indicate that a

temporary impact, as distinguished from a permanent fill, might more easily be regarded as an impact for a incidental public service purpose. There are alternatives, which could absorb a significant amount of traffic along this route without wetland fill, such as re-striping to six lanes and increasing public transit trips. The proposed project is inconsistent with Coastal Act Section 30233 and therefore must be denied.

### **C. ENVIRONMENTALLY SENSITIVE HABITAT AREAS.**

The Coastal Act contains strong provisions for the protection of the biological productivity of environmentally sensitive habitat areas.

#### **Section 30231 Biological productivity; water quality**

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

#### **Section 30240 Environmentally sensitive habitat areas; adjacent developments**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

When the area in the immediate vicinity of the project is an environmentally sensitive habitat area, and the development is adjacent to a restoration area and potential park area which includes environmentally sensitive habitat, the project needs to be evaluated for its impact on the habitat and on park and recreation use. Wetlands are a kind of environmentally sensitive habitat area. The lands in Area A that have been identified as wetland have not been surveyed to determine the extent of the area adjacent to the wetlands that function as part of the wetland habitat or that are necessary as buffers or for the wetland function. In a related wetland in the same system, the department of fish and game indicated that at least a hundred feet was needed between a saltmarsh habitat and development (Ballona Lagoon A-266-77, letter from Earl Lauppe, Department of Fish and Game). While in the cited case it was not possible to provide that buffer due to takings questions, the Department has been consistent in recommending 100 feet

The potential causes of impacts on the habitat are:



1. Removal of vegetation (reduction of the amount and area of various kinds of habitat) patterns)
2. Lighting, especially night lighting (interference with breeding and with feeding)
3. Noise
4. Interference with wildlife movement, reduction of range, and mortality (due to accidents)
5. Removal of vegetation (reduction of the amount and area of various kinds of habitat)
6. Introduction of invasive species of plants and animals

Some of these impacts can potentially be mitigated.

**Lighting.** The lights along the road will have impacts on terrestrial habitats and nesting birds. The Commission has received studies on related projects documenting at length the impacts of constant lighting on the diurnal cycles of many animals, which then can have impacts on breeding and feeding patterns. Caltrans has proposed using lights only near intersections, and to use lights that shine down, but do not spill light into adjacent areas. They have provided a map showing the intention to limit the spill over of light to a few feet from the road, and listed special lighting as a mitigation measure in the negative declaration.

**Noise:** In Caltrans opinion the project will result in minimal increase in noise levels—the area impacted by noise from the existing road will merely expand. Caltrans anticipates noise levels on Lincoln Boulevard to increase approximately 1 dBA, an increase that will not be detectible to the human ear. Caltrans noise experts are quoted in the negative declaration stating that the “noise contours run parallel to the road and widening of the road will simply extend the contour out slightly from the widened section.” Caltrans indicates that its studies show that a constant low level noise that does not interfere with birds’ communication should not impact bird nesting or breeding. Staff does not have evidence to evaluate or refute this claim.

In Area B, the land that is adjacent to the road is low lying, would be, and probably is, already impacted by the noise from the road. However, the proposed project would allow for increased capacity, increased numbers of cars, and, most likely, an increase in the noise level. The City of Los Angeles Department of Transportation disputes that a wider road will, in itself, cause an increase in noise, arguing that with a smoother flow of traffic, the noise level will actually be lower (Jay Kim, Commission testimony on 5-02-087). This seems likely but staff does not have evince to accept for reject this argument. . In Areas A and C, the land adjacent to the road is covered with six to eight feet of fill that was placed there when the Marina del Rey was constructed in the sixties. The road is located six to eight feet below the level of the adjacent land. This difference in levels can be exploited to reduce noise and light impacts. If the area is restored by removal of a significant amount of soils, the elevation difference may not remain. However, alternatives exist, such as berming near the road to maintain a buffer.

Wildlife movement. The Ballona wetlands provide valuable habitat. One issue with the road is that it is already a barrier between two parts of the wetland—terrestrial animals cannot cross the road. This is the most difficult and expensive impact to mitigate. Caltrans' initial proposal was to prevent the movement of small animals onto the road and to reduce road kills by, instead, diverting small animals to the Marina Drain or to Ballona Creek. In other areas of the state, Caltrans has enhanced the movement of animals under roads by providing conduits that would accommodate animal movement. Caltrans has investigated rebuilding the Marina Drain with a large diameter conduit, but has discovered that because of soil conditions a great deal of disturbance of the wetlands would be involved. Caltrans rejected this idea because it would require extensive excavation because the soils adjacent to and under the drain are fine grained and saturated. Instead, Caltrans has decided to leave the Marina Drain in its present condition. Ballona Creek also provides for wildlife movement, but its sides are hardscaped and separated from habitat areas by fences and concrete barriers. Members of the public have suggested that Caltrans elevate the entire road to allow small animal movement. Caltrans indicates that elevating the road is expensive. Any change in elevations of the road beyond that caused by a pair of six-foot conduits would require further changes to Culver Boulevard and to other intersections. In this area, the desirability of a conduit is not entirely clear—birds still nest or have nested in islands of *Salicornia* in the marsh in Area B and feed in Area C. Red foxes, rats and domestic cats and dogs are common in more disturbed areas. Caltrans then continues to propose to install hardware cloth to prevent lizards from crossing road. Caltrans representatives have indicated that Caltrans will to consider installing two two-foot high conduits if wildlife studies show they are appropriate.

Removal of native vegetation. There are few areas dominated by native plants adjacent to the road. Caltrans biologists have mapped *Atriplex* in the Marina Drain. The Marina Drain is located outside the boundaries of this project. The other areas adjacent to the road have been mapped by the applicant's biologists as supporting only ruderal vegetation. However, in July 2002, opponents discovered a 200 square foot patch of heliotrope in Area A adjacent to the west side of Lincoln Boulevard on top of the road cut adjacent to the road. Seaside heliotrope is listed by the U. S. Fish and Wildlife Service as a wetland obligate plant (>99% of occurrences in wetlands under natural conditions). Staff verified the presence of the seaside heliotrope. While seaside heliotrope is a native plant, its presence in the opinion of the staff does not indicate that this part of Area A is a wetland. However, the heliotrope is one of a number of native species that have established near Lincoln Boulevard. There are small patches of coyote bush and other coastal sage scrub plants as well as non-native plants. (Exhibit 19) All of these would be removed within the area of widening.

Removal of vegetative cover. While the vegetation adjacent to the road in Areas B and C is predominately introduced, non-native plants in habitat areas can function as buffers and as cover for native animals. Even though the presence of non-native plants can ultimately result in the displacement of natives, in the short term, some of these introduced plants provide seed sources or support insects that provide feed for local birds. Reducing cover in a stressed area such as this one may have an effect on larger, less specialized birds and other animals. One possible mitigation for the removal of vegetation is to establish

additional areas to be revegetated with native plants. If this project were otherwise approvable, such a revegetation and mitigation program would likely be necessary.

**Introduction of Invasive Plants.** A third concern with regard to vegetation is the plant palette used for highway plantings and the aggressive colonization of graded areas by certain weedy species. A 1981 survey (Gustafson, Vegetation of Ballona) noted “at least 50% of the plant cover represents indigenous species, including ... *Salicornia*”. In Areas A and B as a whole the survey estimated that “weedy component “ covered 40% of the land under investigation (Areas A and B.) Grading in an area with a seed source of non-native weeds or using non-native plants for landscaping can introduce material that displaces natives and that does not support native insects. Non-native plants can introduce incompatible genetic material into the local habitat. Again, Caltrans proposes to use native plants common to the Ballona wetland area for planting along the road. They have accepted a special condition with similar requirements on the related Lincoln Boulevard South project .

**Impacts on Parks.** Areas A and C and a portion of Area B adjacent to the road is under consideration for acquisition as a park area. Most discussions center on some kind of park that would support habitat, but all discussions are preliminary and funding is not yet guaranteed. While most advocates describe a habitat oriented park, until the purchaser is identified, and the budget established, the detailed discussion about what “habitat” and “park” means cannot begin. Basic decisions have not been made-- whether to purchase the area, or if the area were purchased as a park, whether the park would be an active park, or a restored habitat area. The basic decision about the road – whether to confine the road in as narrow an area as possible or to spread out the road and the roadside landscaping into more potential park area – should be made in the context of park planning. However, once an area is in public hands, various groups will wish to participate in the public discussion on the design and restoration goals. It is highly unlikely that Lincoln Boulevard will be relocated, but its ultimate dimensions should reflect public discussions about the park. In response to interest in recreation, Caltrans proposes to build an off-road bike/jogging trail on the west side of the road, to narrow the travel lanes from 3.5 meters to 11 feet, and to vegetate the median strip with plants that are compatible with habitat restoration. The proposed jogging/bike trail is planned to connect with the Ballona Creek trail and the countywide Kenneth Hahn beach bike trail. The bike/jogging trail is supported by all groups who have contacted the staff.

It would be easier to analyze the interrelationship of the roadway design with the habitat restoration if it were sure that the habitat were to be restored, and if the interested parties had agreed on the goals and methods of habitat restoration. The methods of making the project compatible with habitat – controlling light and noise, reducing barrier effects, use of compatible plants – can be anticipated. If the project were otherwise approvable, the Commission, Caltrans, the City of Los Angeles and Los Angeles County could address these issues.

Section 30240 requires the Commission to protect habitat and public parks. As noted above, Section 30233 supersedes Section 30240 with respect to wetland fill. This project

as now proposed is not consistent with Section 30233. However, only a small part of the area impacted by the project is a wetland. Outside of the wetland 209 acres of areas A and C and much of the remaining area has been identified as a future public park. This area currently provides habitat value outside of its wetland value. The principal inconsistency of this project with Section 30240 is its prematurity –the road is being planned before the park and the restored habitat is considered and designed. The details and goals of habitat restoration and the location of planned recreational use are not yet known. Caltrans now proposes measures that could mitigate many of the project's impacts on habitat. These include mitigation measures addressing noise, the removal of vegetative cover, the introduction of non-native plants, and impacts on wildlife movement. These measures could likely be refined and found consistent with Section 30240 if the habitat goals of the restoration project and the design of the park were known in more detail. Until the details of the design of the park and the goals habitat of restoration are known, the Commission cannot find this project consistent with Section 30240.

#### **D. PUBLIC SHORELINE ACCESS AND RECREATION**

Section 30210 of the Coastal Act requires that maximum access to the coast be provided. Section 30212 requires that access to the coast shall be provided in new development (a major road is new development), Section 30223 requires the reservation of upland areas that are necessary to support coastal recreation, and Section 30240(b) requires in part that:

“...development adjacent to environmentally sensitive habitat areas ... and parks shall be compatible with the continuance of those habitat and recreation areas.”

The project will allow increased speed and volume on a north/south traffic route that delivers beach goers to the Venice and Playa del Rey beaches and to Marina del Rey and distributes visitors farther south into the South Bay.<sup>7</sup> Although the project is designed to reduce congestion on Lincoln Boulevard during peak commuter hours, it will also serve to improve vehicular access to the coast during beach use hours. The principal benefit of this widening this segment of Lincoln would be to ease the transition to and from the Culver Loop onto Lincoln Boulevard and onto south bound Lincoln from Fiji Way. At Fiji Way, the Lincoln now has six travel lanes, which continue until Washington Boulevard, where on-street parking is allowed.

The basis of the conflict with park use and public access, however, is the scale of the widened road and the speed of the traffic that it will accommodate. As discussed elsewhere, there is a strong possibility that the adjacent areas will be acquired.

This project will have impacts on recreational facilities during construction. The project report estimates that the Ballona Creek bike path will be closed for about a year while the

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<sup>7</sup> The South Bay comprises the Cities El Segundo, Manhattan Beach, Hermosa Beach and Redondo Beach [Torrance, and cities located directly inland of them such as Lynwood and Lomita. These cities are inland of Santa Monica Bay, which extends from Point Dume to the Palos Verdes Peninsula.

project is under construction. Section 30240(b) requires, in part, that development adjacent to parks prevent impacts that would degrade these areas and be compatible with the continuance of recreation areas. A barrier that prevents access to such an area is not compatible with its continuance as a recreation area. A roadway directly adjacent to a park must function differently from urban freeway by allowing pedestrian access across and along the road.

Caltrans indicates that it is impossible to divert traffic from this road, and even with a change in use, the road will continue to be in its present location with present levels of traffic because it is a necessary road. However, it might be possible to design a road and a park together. There may be design choices, once the decision concerning the acquisition of the land is made. These decisions include: should the road continue six feet below the surface of the ground, or should the road be raised or the ground lowered. Should the road be made wider, with plants in the median? Should the road include footbridges to connect the area for visitors or should it be elevated and the two sides connected via conduits under the road that allow water and small animals to cross from, Area A to Area C? Are there ways to redesign the road to allow increased flow of water under it? All these questions are properly asked during discussions concerning the appropriate use of adjacent lands.

Are vegetated areas between the lanes a good idea? There is evidence that there is strong foot traffic along the road –should that be accommodated adjacent to the road or set back and separated with a vegetated strip? Since the road is not needed to immediately alleviate traffic, it may be appropriate to wait until more discussion has occurred before the road is modified. This proposal now includes a pedestrian/bicycle component and the project, as redesigned, employs 11-foot wide lanes, which would provide room for these other uses and for additional landscaping. However, if the area were acquired would the path be constructed farther from the road?

The project now proposes a combined bike/jogging trail on the west side of Lincoln linked to signalized intersections (Exhibit 11.) The trail connects with a path approved in 5-02-087. That trail begins at Loyola Marymount University, crosses Lincoln at Bluff Creek Drive, and then continues to Jefferson Boulevard. The trail proposed in this project begins at Jefferson Boulevard and extends to Fiji Way, where Los Angeles County proposes to construct to a Bicycle station. The trail is about 12 feet wide and is separated from the roadway. The proposed trail (along with the bike path proposed in the related project 5-02-087) would provide a recreational link to the Ballona Creek Bike Path and to the County beach bicycle path. The trail is proposed to cross the Marian Drain by means of a bridge that will not require fill in the waterway.

While the bike/jogging path located north of Jefferson does not displace any habitat or involve wetland fill, the design of the bike path may need to be delayed until it is decided whether the area will be a park or restoration area. It may be that a small path linking other paths and located along Lincoln Boulevard on the edge of Area C would be an acceptable temporary facility while planning is talking place. It may be premature, encouraging use of an area that the Department of Parks and Recreation may decide to

keep pristine, or it may be a desirable permanent facility. If the project were otherwise approvable, the Commission would need to consider the bike path issue at some length. As proposed, this development includes a recreational component that links with other recreational facilities in the area. However, because it prejudices park planning decisions, the project is premature and is not consistent with the recreation and access policies of the Coastal Act.

## **E. WATER QUALITY MARINE RESOURCES**

Section 30230 and 30231 require the protection of marine resources. Roads are major sources of pollutants that flow into water bodies. The project will add 4 acres of impervious surface to an existing 14-acre road. The project is proposed in an area where Ballona wetland was located before the Army Corps of Engineers channelized Ballona Creek. The project will drain into Ballona Creek and the 4.1-acre biofiltration basin at the Culver Boulevard Loop. In order to protect water bodies and water quality from polluted run-off, Caltrans states that it “encourages” trash and other pollutant removal programs. It does not define the term “encourage.” Caltrans states that there will be 1.45 acres of landscaped area, as part of this project, and has provided a plant list. (If the project were otherwise approvable, that plant list would be reviewed as part of the habitat evaluation, to assure that only native plants commonly found in the Ballona wetlands was employed.) In its initial study and mitigated negative declaration Caltrans has identified potential sources of pollution unique to this site, namely a bridge that was constructed in the late 1930’s and that was almost certainly painted with lead paint. Asbestos and creosote may also be present. In addition, this road has been in this location for many years. Caltrans estimates that the soils are polluted with lead and that other materials will be found to a depth of three feet. Some of the material may have to be deposited in a hazardous waste site. Once excavation is completed, the hazardous material will be removed or capped, subject to the supervision of the Los Angeles Regional Water Quality Control Board (LARWQCB) and the Department of Toxic Substance Control (DTSC).

Sections 30230 and 30231 of the Coastal Act state:

### Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

### Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of

marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Caltrans program for best management practices on highways includes the following:

"The latest edition of the Caltrans Storm Water Management Plan dated August 2001 has the following approved Best Management Practices (BMPs) that Caltrans has found to be effective in treating highway runoff at the present time. Caltrans is continually conducting research and evaluation of all types of BMP products to determine what other BMPs Caltrans can adopt for use. Caltrans guidance design manuals recommend Source Control BMPs over Treatment Control BMPs as generally being more effective in addressing water quality. Source Control BMPs treat water prior to entry into the system, whereas Treatment Control BMPs treat water after it has entered the system.

A. Source Control BMPs:

1. Preservation of Existing Vegetation
2. Concentrated Flow Conveyance System
  - a. Ditches, Berms, Dikes, and Swales
  - b. Overside Drains
  - c. Flared Culvert End Sections
  - d. Outlet Protection/Velocity Dissipation Devices
3. Slope/ Surface Protection Systems
  - a. Vegetated Surfaces
  - b. Hard Surfaces

B. Treatment Control BMPs:

1. Biofiltration: Strips/Swales
2. Infiltration Basins
3. Detention Devices
4. Traction Sand Traps (Only applies in Lake Tahoe Area)
5. Dry Weather Flow Diversion

Project designs generally incorporate several of the above mentioned source control BMPs that provide a water quality benefit. Some of these treatments may not be obvious (such as slope paving). However, they provide a water quality benefit by prevention of erosion and sediment flowing into the waterbodies, thus reducing the pollutant discharge.

After taking a closer look, research conducted by Caltrans thus far has indicated that Drain Inlet Inserts (e.g. Fossil Filters) is an ineffective application for this type of highway project. In addition, Fossil Filters may present a safety hazard for the motoring public due to the potential for drain inlet failure, which would lead to flooding on the adjacent roadway. Several studies have been conducted by Caltrans in regards to their performance for use on some highway facilities." (Caltrans 2001)

In considering the consistency of projects with the Coastal Act, the Commission has consistently required that the design of proposed structural BMPs be sized for the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. Some of the drainage from this project would be redirected into the 4.1-acre biofiltration basin at the Culver Boulevard Loop, approved by the Commission in February 2002 as part of 5-01-382/A5-PLV-00-417. The remainder of the drainage would flow into Ballona Creek after being routed through vegetated swales and trash removal devices, (Exhibit 9). The applicant has provided a narrative analysis describing the treatment control BMPs that will be used in this project and a storm water quality exhibit that illustrates where these treatment control BMPs will be located. These treatment control BMPs include:

- Bioswales
- Trash Removal Detention Device (TRDD)
- Culver Loop Biofiltration Basin
- Catch Basins

If this project were being approved, the Commission would impose conditions to ensure adequate pretreatment of waters entering Ballona Creek, and to ensure proper sizing of the treatment control BMPs to accommodate the 85<sup>th</sup> percentile storm event. The Commission concludes that it is important to limit the amount of pollutants entering Ballona Creek and the Biofiltration Basin to the maximum extent feasible by employing treatment control BMPs within the road drainage system and installing appropriate roadside landscaping. In response to this issue, the applicant proposes vegetated roadside swales to pretreat the road runoff.

The second water quality impact of a construction project is the handling of older contaminated sediments and avoidance of siltation during construction. Caltrans proposes to do the work in stages and use standard sand bagging and other siltation control methods such as covering stockpiles and to use watering to reduce fugitive dust. The Commission has addressed the sediment issue by incorporating the construction BMP's proposed by the applicant enhanced by conditions similar to the conditions that the Commission has imposed on similar projects.

Caltrans has indicated that it intends to bury lead-contaminated sediments under the roadway. In general, burying lead-contaminated sediments is regarded as a benign solution to the problem, because lead is generally not water-soluble and binds with clay and silt, which is found in marshy soils. However, it is still recommended that lead-contaminated sediments be buried well above the maximum groundwater table elevation to avoid any potential contamination of the water. Therefore, the sediments are proposed to be placed no less than 1.5 meters (58 inches) above the ground water table. Additionally, the Commission in its special conditions imposed on similar projects has required that 1) Caltrans follow state standards from the Department of Toxic Substance Control (DTSC) regarding the capping or reuse of lead-contaminated soils onsite and 2) that the only sediments buried on site are those from the project itself; that Caltrans not



use surplus contaminated earth from other sites for this purpose. In this way, Caltrans will reduce the amount of lead in the marshland system and minimize the potential for water quality impacts.

Similarly, Caltrans reuses and crushes asphalt. Again such a practice is approvable only if the stockpile does not itself pose a hazard or leach into sensitive areas and if the practice is confined to material removed from the site and the site is not used for processing or disposal of materials brought in or other projects. However, in this location the noise and dust of concrete/asphalt processing plant even for materials from the highway itself may be disturbing to the birds on the marsh and in the freshwater marsh. For this reason, if the project were being approved, the Commission would likely require that no such plant could be established in the coastal zone as part of the project.

During the excavation of the freshwater marsh, a water treatment facility that Playa Capital developed farther south on Lincoln Boulevard (pursuant to CDP 5-91-463), some contaminated sediments were discovered. The coastal development permit did not anticipate or address this problem. Instead, it established standards for the marsh's functioning after construction and revegetation. However, the Regional Water Quality Control Board required the applicant for the freshwater marsh to truck the sediments to various landfills outside the coastal zone. While there was some controversy with the DTSC that had earlier delegated its oversight role to the Board, the material (drilling mud) was removed. This project would involve excavation within the same old oil field in which the freshwater marsh is located. Opponents have indicated that several old sanitary landfills are located within the bounds of the project. If this project were otherwise approvable, the Commission would likely require the applicant to follow the RWQCB procedures if contaminated materials were discovered and it would require that the applicant notify the Commission if any over excavation is necessary.

The Commission staff investigated the water quality issues and determined that there were standard conditions that, if applied to this development, would minimize pollution from run off. The conditions would have required pre-treatment of storm water, and control of siltation during construction to assure that any buried lead-contaminated sediments do not mix with ground water, prohibit concrete asphalt-crushing activities and require that Caltrans follow DTSC and/or RWQCB procedures for dealing with any contaminated soils that may be discovered. The Commission finds that if the Commission were to approve this project, it could investigate measures with the applicant to mitigate and avoid the potential the water quality impacts of this project. However, since this project is not being approved, such investigations of measures to bring the project into consistency with Sections 30230 and 30231 of the Coastal Act are unnecessary.

## **F. VISUAL IMPACTS.**

Coastal Act Sections 30240 and 30251 state, in part:

### **Section 30240**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

#### Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

As originally proposed the completed road would, at its widest point, be a highly visible 160.9 foot-wide structure within a 192-foot right of way. As now proposed, the road improvements (road, shoulders and median) will total 109 feet and buffer bioswale and trail uses would extend 30 feet for a total right of way of 139 feet. If current proposals to purchase Areas A and B are successful, Lincoln Boulevard will be located on the eastern edge of a restored wetland habitat area and park and also on the western edge of the park in Area C. The heights of park features would not exceed one or two feet –perhaps four feet for areas retained in coastal sage scrub.

In response to concerns about views from this road, the applicant is proposing to widen the planted area on the western side of the road. It is proposing to narrow the travel ways to 11 feet, and provide a five foot vegetated median strip. The vegetated median strip will be narrower than that proposed south of Jefferson Boulevard. As originally conceived, this part of Lincoln did not provide views and was not itself a visual attraction. Playa Capital proposed an open view corridor to its water feature, but otherwise proposed 50-70 feet high buildings adjacent to the road. Since the upland areas are located on the edges of the site near the major streets, including Lincoln Boulevard, and the wetland areas are irregular but located in the center of the site, any developer would be forced to place its structures near Lincoln Boulevard, to avoid wetlands. Consequently, if the area developed, the views from Lincoln Boulevard would be of berms covering parking structures. In addition, soil characteristics and the high water table would have required that all garages and other features normally constructed at least partially underground would be constructed on the surface of the ground. This would increase the apparent height of the structures because structures with four levels of commercial or residential

use, normally 45 feet above ground level would extend 60-65 feet above ground level. Therefore, If the purchase of this area is not completed, the views from the road on this part of Lincoln Boulevard will be a continuation of the views farther north, where Lincoln is bordered by tall commercial and residential structures and older strip commercial uses. The bike path will soften the views of the edge of the road and to and along the bike path. If the area is purchased, this road will be adjacent to a park and restoration area, and the buffer will shelter the park from the visual impact of the road, but the road will still be a large, visible structure as seen from the bike path. While the applicant has taken reasonable measures to reduce the visual impacts of the road on the wetland and to enhance the views from the road, as proposed, the road will have significant visual impacts on any future park.

The Commission notes that the Lincoln Boulevard Task Force, an interagency planning committee that includes the cities of Culver City, Santa Monica and Los Angeles and Caltrans, has begun the process of identifying issues for planning the future of Lincoln Boulevard. The task force, with the assistance of the Southern California Association of Governments (SCAG), has hired a consultant. The consultant's first report included an assessment of visual issues that noted that many parts of Lincoln, notably the area south of Fiji way, were extremely wide, which makes it difficult to improve the visual quality along Lincoln Boulevard. A wide road is difficult for the eye to take in, and appears boundless and overwhelming. Presumably, a wider road would be even more boundless. Caltrans is proposing landscaping along the road to mitigate impacts on this stretch, which could reduce visual impacts. The Commission notes however, that the initial survey identifies narrow sidewalks, utility poles, and a clutter of signs, billboards, advertising, newspaper boxes and ugly bus benches as the development that is most detrimental to the visual quality of Lincoln Boulevard.

Finally, opponents indicate that Pacific Electric Railroad bridge abutments have a visual character that might be an attraction in a park. The railroad bridge and road overcrossing were constructed, according to Caltrans, in the late 1930's in order to reduce accidents due to collisions. They have "art deco " modeling which many members of the public find attractive. Caltrans indicates that its historic experts concluded that the bridge and the railroad bridge abutments are not old enough to be considered a historic resource. However, the decision of which of the existing structures should remain as part of a park is most appropriately made during the park planning process. The project raises issues of consistency with Coastal Act Sections 30240 and 30251 with respect to impacts on views of park and habitat areas.

## **G. DEVELOPMENT**

The Coastal Act provides standards that the Commission must use in evaluating proposed development. Section 30250 requires that development shall be, if possible, located in existing developed areas and where it will not have significant adverse effects on coastal resources. Section 30252 protects public access by encouraging transit service and/or

non-automobile circulation within new projects in order to reduce competition for coastal access roads.

**Section 30250 Location; existing developed area**

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

**Section 30252 Maintenance and enhancement of public access**

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The proposed road widening is part of a number of road widening projects proposed to accommodate traffic associated with development that is proposed – and in some cases already approved – along the Lincoln corridor within the Marina del Rey, Palms and Playa Vista area. Based on these provisions of the Coastal Act, the Commission has approved coastal development permits and coastal land use plans that allow for high-density projects in the immediate area of the proposed project. Most notably the Commission found no substantial issue raised by two City of Los Angeles-approved projects: one that included a 334 unit (moderate income) apartment building and a 166 unit building; the other included 800 (moderate income) apartments and two 16 story towers providing 512 condominiums on an 18.9 acre site. Both projects were located on Lincoln Boulevard near the end of the Route 90 Freeway. (A-5-VEN-98-222 (EMC Snyder); A-5-90-653 (Channel Gateway);

The Commission initially reviewed road widening plans and future traffic volumes for the Marina del Rey/Ballona area when it certified the Marina del Rey/Ballona Land Use Plan in 1984. The 1984 plan anticipated intense development in the subregion and required major road improvements to accommodate it.

In 1984, the Commission approved the Marina del Rey LUP that allowed redevelopment of the Marina del Rey and development of what is now known as Playa Vista. In 1987, after the City of Los Angeles annexed Playa Vista, the Commission again approved identical Land Use Plans applying to the same areas. (Los Angeles County Marina del Rey LUP 1987, City of Los Angeles Playa Vista LUP, 1987.) Since then, the Commission has approved an amended LCP for the Marina del Rey that increased residential density in the Marina del Rey, increasing the number of the peak hour trips that may be generated by new development in Marina del Rey from about 2400 peak hour trips to about 2717 peak hour trips.

Development approved in the 1984 Marina del Rey/Ballona Land Use Plan for both the Marina del Rey and for what is now Playa Vista included:

USE	Hotel rooms	Res-- taur-- seats	Boat slips	Commer- cial sq. ft.	Marine Commer- cial sq. ft.	Resi- dential units	Office sq. ft.
Marina del Rey	1,800	462	20 acres	14,000	"varies"	1,500	200,000
Playa Vista Area A	1,800		26 acres	200,000		1,226	
Playa Vista Area B				70,000		2,333	
Playa Vista Area C				150,000		2,032	900,000
TOTAL	3,600	462	46 acres	434,000		7,091	1,100,000

Before approving the Marina del Rey/La Ballona LUP in 1982, Los Angeles County required the applicant with the biggest project, Summa Corporation, to prepare an evaluation of the traffic impacts of the development and a list of road widening projects that would accommodate it. In 1982, Los Angeles County accepted a study prepared by Barton Aschman Assoc. for Summa Corporation to address its proposed development. It amended its study in 1983. The study took into account development in "areas peripheral to the LCP zone "... " Inasmuch as this development will have a significant impact on LCP area traffic. The study addressed not only proposals in the County-owned Marina del Rey, and Summa's proposals for the Ballona wetlands, but also addressed traffic impacts expected from development in the "Subarea." This development included (1) a major project at the 405 Freeway, Centinela and Sepulveda Boulevards, (2) 4 million square feet of airport related commercial and industrial development, (3) 3.6 million square feet of commercial and industrial development in Culver City, and (4) "on the vacant property east of Lincoln and south of Ballona Creek, 3,200 dwelling units, 600 hotel rooms, 3 million

square feet of office space and 400,000 square feet of commercial uses" (Playa Vista Area D).

In 1990 The City of Los Angeles approved Playa Vista Phase One, which included development outside of the coastal zone comprising 3,246 dwelling units, 400,000 square feet of office use, 35,000 square feet of retail use, 2,806,950 sq feet of studio and support uses and about 120,000 square feet of "community serving" uses, (including schools, libraries and a trash collection center). At the time Caltrans began the planning process for this present widening project, Phase II Playa Vista (located in Areas A, B and C inside the coastal zone and a portion of Area D outside of the coastal zone) was proposed to include 750 hotel rooms, 9,839 additional residential units, 560,000 square feet of commercial development 2,073,050 square feet of office uses and an additional 520,00 square feet of community serving uses, including a possible educational institution in Area C.

Based on this projected development, and on discussions of major increases of landings at LAX, a number of transportation agencies, including Caltrans, proposed to develop roads to serve the development. After 1995, Playa Vista began constructing road-widening projects that the City had required for its first phase. In the years 2001 and 2002 the Commission approved the following: a project to widen Lincoln Boulevard between Loyola Marymount and Fiji Way (5-02-087); a project to widen Culver Boulevard and construct a loop that would allow a north bound traveler on Lincoln to enter Culver Boulevard (5-01-382/A-5-PLV-00-417); and an improved intersection at Culver and Jefferson Boulevards (5-01-223/A-5-PLV-01-281). Previously the Commission approved additional turn lanes at the intersection of Lincoln and Jefferson Boulevards. In the mid nineties, the City of Los Angeles widened the intersection of Lincoln Boulevard and the Marina Freeway by several lanes as part of its approval of the 1312-unit development noted above. Outside the coastal zone, Caltrans is also proposing to add a lane to Lincoln Boulevard between Hughes Way and La Tijera. The widening projects the Commission recently approved were identified as mitigation for Phase I Playa Vista. The proposed project is not identified as a necessary mitigation for Phase I Playa Vista. Instead, it is identified by Caltrans as necessary to accommodate the traffic generated by increases generated in the next 20 years by Playa Vista Phase II, by airport growth and by a 90 unit residential project on the Westchester bluffs.

Caltrans also views the present project as necessary because of general population growth and on the need for Lincoln as a connector in the transportation grid. Caltrans notes, in its analysis, that Lincoln is the only continuous north south route west of the 405 Freeway. Based on existing trips and future levels of development, Caltrans estimated that between 2001 and 2023 the average daily traffic volume on Lincoln Boulevard would rise from 62,917 cars to 69,838 cars and peak hour traffic would be well above capacity at both Lincoln and Fiji Way and Lincoln and Jefferson (Exhibit 14).

This increase in vehicular capacity is needed if all the development projected actually builds out and if there is no meaningful alternative to automobile transportation for commuter and airport traffic. However, there have been certain significant changes. First

is a reduction in the projected build out of Phase II Playa Vista. Recently, Playa Vista entered into an option agreement with Trust for Public Land to enable the Trust to purchase Area A Playa Vista (139.1 acres) and approximately 113 acres of Area B Playa Vista, the parts of Playa Vista's own property located in the coastal zone that were originally proposed for development. In addition, the Trust's option extends to other lands in Area B. The purchase is contingent on the parties agreeing to a price and on the passage of a water quality bond act, which the voters approved in November 2002. In addition, Playa Vista had planned to develop Area C, agreeing to purchase the area from the bank that holds it in trust for the state. When the deadline for purchase lapsed, the Controller announced that the state would retain the land, about 69.7 acres, and develop it for park and habitat purposes. The result is that approximately 302 acres originally proposed for high density urban development will possibly be a park and habitat preserve. Such a preserve will generate much less traffic than the development originally proposed. Meanwhile the City of Los Angeles has released a notice of preparation for the development of the rest of the Playa Vista property (all of which is located outside the coastal zone.) Playa Vista now proposes a reduced project outside the coastal zone.

**TABLE 1**

**COMPARISON OF THE PROPOSED PROJECT WITH THE EQUIVALENT PORTION  
OF THE FORMER MAGUIRE THOMAS MASTER PLAN<sup>8</sup>**

<b>Land Use</b>	<b>Proposed Village at Playa Vista</b>	<b>Former Maguire- Thomas Master Plan Equivalent Portion of Area D</b>	<b>Reduction</b>
Residential	2,600 units	3,431 units	(831) -24.3%
Office	175,000 sq. ft.	1,048,050 sq. ft.	(873,050) -83.3%
Retail	150,000 sq. ft.	315,000 sq. ft.	(165,000) -52.4%
Community Serving	40,000 sq. ft.	375,000 sq. ft.	(335,000) -89.3%
Hotel Rooms	0	300 rooms	(300) -100%

Source City of Los Angeles/EIR No. ENV-2002-6129-EIR

Meanwhile, the level of development proposed for LAX has also been reduced. It is clear that while there may be reasons to widen Lincoln Boulevard in the future, the amount of widening necessary may be significantly less, and there is no immediate need to widen the road to accommodate impending development.

There is no question that some improvements in transportation will be needed in this area in the next 20 years. In its negative declaration and project plan, Caltrans rejected transit alternatives, noting the absence of significant ridership and significant connections. This rejection may no longer be appropriate. While presently, public transit cannot provide a significant number of commuter trips and airport trips, Los Angeles has seen increased investment in transit in recent years and increasingly realistic discussion about

<sup>8</sup> A Notice of Preparation for an EIS/EIR for the Maguire Thomas Partners development was circulated in 1995 (EIS/EIR 95-0086, State Clearing House No. 1995051011). Source: Playa Capital Company, 2002; City of Los Angeles Notice of Preparation EIR No. ENV-2002-6129-EIR November, 2002; the Village at Playa Vista

development of a system that can serve airport passengers and a significant number of commuters. These actions include:

- 1) a new Red Line to Wilshire/North Hollywood, (a subway),
- 2) a light rail to Pasadena/Sierra Madre, (Gold Line), which is under construction,
- 3) a light rail (Blue Line) along Exposition Boulevard, which was funded for design until cuts in the state budget forced a delay, and
- 4) investigation of connecting the present Green Line to the airport to reduce the impacts on the freeways of airport expansion. As part of the Green Line discussion, some committee members have asked for further discussion of methods of connecting to Lincoln Boulevard.

The LCP for this area requires consideration of mass transit as part of any transportation package. As part of its mitigation, Playa Capital dedicated a right of way for mass transit in Area D. The former Pacific Electric Railroad line right-of-way follows Culver Boulevard. In Area C, this old right-of-way is held by Playa Capital for transportation purposes. This right-of-way at one time extended to the intersection of Venice Boulevard and Exposition Boulevard, the terminus of the proposed Blue Line light rail. It has been developed as a jogging trail in a wide median strip from Area A to the intersection of Culver Boulevard and Overland Avenue. (There is one privately held structure in the median at the intersection with Route 90.) From Overland Avenue to Venice Boulevard, it has been incorporated into the Culver Boulevard roadway. Both Playa Vista LUP's and the Marina del Rey LCP encourage internal jitneys. As part of its traffic mitigation of Phase I, Playa Capital agreed to buy three buses for Santa Monica transit. However, there has been no commensurate investment in regional transit facilities to serve the development that this road is proposed to serve.

According to Caltrans, if this project is denied, the Level of Service in the area will remain at LOS E, and eventually, as Playa Vista develops, congestion will increase. However, their figures assumed the development of Playa Vista Phase II as proposed in the mid-nineties. (Exhibit 13) With the reduction of the level of development proposed by Playa Vista Phase II and the reduction of new landings proposed in the Airport expansion, the need does not seem to be as immediate as it may have been when the project was designed. There is time to develop an alternative transportation plan for this area that may incorporate additional alternatives, including transit.

As proposed, the project is not consistent with Sections 30252 and 30250 of the Coastal Act because it has individual and cumulative impacts on resources, because it does not incorporate transit and because it does not facilitate the provision or extension of transit service. It is clear that there may be reasons to widen Lincoln Boulevard in the future. However, the method of widening must be consistent with the Coastal Act, the amount of widening necessary may be less, and there is no urgent need to widen the road. The project as now proposed is not consistent with the development policies of the Coastal Act.



## **H. HAZARDS**

Section 30253 of the coastal act provides that the Commission should review hazards and assure the safety of development. This area is subject to liquefaction and is underlain by an old oil field. The City of Los Angeles has investigated the potential hazard of soil gas in this area (Exhibits and Substantive File Documents). The City has determined that the soil gas would be a hazard if trapped under a floor or in a confined space. With respect to the hazards posed by this formation to a road, the Commission senior geologist has indicated that there is no significant hazard posed by leaking soil gases because they cannot build up and be trapped in unsafe concentrations. The Caltrans geologist concurs.

This area was at one time subject to flooding by Ballona Creek. Channelizing the creek eliminated flooding hazard. As noted above in the section on water quality, the materials used for the construction of the bridge may have included asbestos, which is hazardous if released into the air. In addition, Caltrans anticipates that the soils beside and under the existing road have been polluted through the deposit of fuels and airborne contaminants, principally lead. Caltrans proposes to remove this material and dispose of this in an appropriate toxic dump. Major over-excavation may be necessary. These issues are discussed in the section on water quality. As proposed, this development can be conditioned so that its construction does not pose a hazard to life and property, and would be consistent with Section 30253 of the Coastal Act.

## **I. CULTURAL RESOURCES.**

Section 30244 of the Coastal Act provides that

### **Section 30244 Archaeological or paleontological resources**

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The Ballona valley is the site of a number of archaeological sites that were deposited over the last 800 years. The area of this particular project, where inundation was constant until recently, has been shown to have fewer resources than sites near the outer rim of the historic wetland or adjacent to Ballona Creek. Caltrans indicates that the site of this project has been surveyed and determined not to be an archaeological site. Moreover, the site is in an area covered by dredge spoil. Caltrans posits that the deposition of the dredge spoil most probably obliterated any archaeological site that may have existed. Nevertheless, in other projects, deposits have been discovered during construction when they have not been expected. If the Commission were approving this project, it would likely require the presence of an archaeological monitor and consultation when appropriate with the Most Likely Descendants of the local Native Americans (Tongva).

Opponents have raised the issue of the historic quality of the bridge. Caltrans indicates that the bridge has been surveyed by the state and found not to be a historic feature. The

bridge has “art deco” modeling and is attractive. Nevertheless, Section 30244 has very precise standards. Unless the bridge has been identified as an archaeological or paleontological resource by the State Historic Preservation Officer, the Commission cannot protect the bridge under Section 30244. If the Commission were to approve this project, the project could be brought into conformity with Section 30244 of the Coastal Act by conditioning the project to require the presence of an archaeologist and Native American monitor in consultation with the designated Most Likely Descendant and to require any other reasonable mitigation measures.

## **J LOCAL COASTAL PROGRAM**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the proposed project will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program that conforms with Chapter 3 policies of the Coastal Act. As noted above, widening Lincoln Boulevard is one of the road-widening projects incorporated into the certified Land Use Plan for Playa Vista. In 1984, the Commission approved the Marina del Rey Ballona LUP. A number of road widening projects viewed as necessary to accommodate the development approved in the Land Use Plan were adopted as part of the Circulation Element of the plan. Again, in 1987, the Commission approved parallel LUP's for the Marina del Rey and, in the City of Los Angeles, the Playa Vista LUP, that showed almost identical transportation system measures, including the present project.

However, a certified Land Use Plan is not binding on the Commission. Until the local coastal program is fully certified, the standard of review for development, including these roadways, is consistency with Chapter 3 of the Coastal Act. When detailed information shows that a proposal is not consistent with Chapter 3, the Commission is able to deny or change development that is consistent with an adopted LUP. Therefore, in the absence of a fully certified LCP, the Commission's earlier decisions that an area could accommodate certain kinds of development does not commit the Commission to approving development that is not consistent with the policies of Chapter 3.

In this case, as has been shown above, the proposed project would be inconsistent with several of the policies in Chapter 3 of the Coastal Act. As a result, approval of this project would prejudice the City's and County's abilities to prepare Local Coastal Programs for the subject areas that are consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a). Therefore, the project must be denied.

## **K. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section

21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect, which the activity may have on the environment.

As described above the applicant's proposal is inconsistent with the Coastal Act, because it proposes wetland fill. The applicant has changed its proposal to address other Coastal Act issues and has indicated its willingness to accept special conditions to address issues other than wetland fill. The changes it has made include a proposal to construct narrower lanes, to construct a recreational bike/jogging path, and to widen the outside lanes to assure that they are safe for commuter bicyclists. The applicant has widened the vegetated strip on the west side of the road and added vegetated swales and other measures to reduce water quality impacts. The applicant indicates that in other areas, such as water quality or visual impacts, that it is willing to accept conditions similar to those imposed on other similarly situated projects. However, the applicant argues that there are no feasible alternatives to the bridge as proposed. The Commission finds otherwise.

Alternative routes. The applicant indicates that alternative north/south vehicular routes are interrupted by the Marina del Rey or other barriers and therefore cannot accomplish the purpose of the project. The Commission has accepted that assertion.

A second alternative is building a bridge with a longer span so that the support that is founded in the mud bottom of the channel is avoided. The applicant has provided a detailed analysis of the cost of alternative bridge designs, indicating that a long span or truss bridge that involved no fill in the creek. The applicant argues in each instance that the expense of the alternative is significantly greater than the bridge as proposed, and concludes from the comparison that the alternatives would not be feasible. Feasible as defined in the Coastal Act Section 30108 means capable of being accomplished and includes economic factors. While the longer span bridges are more expensive, the calculations assume that the wetland fill has no cost. In terms of the total cost of the project, the construction of a longer span bridge may not be infeasible and may not be infeasible when spread over a number of years. The Commission cannot find an increased expense in itself as an indication that an alternative is infeasible any more than it can reject a no project alternative out of hand.

The applicant reject an alternative of restriping to seven lanes because restriping to seven lanes result in a lane width of 9.14 feet, which is, he asserts unsafe. However, restriping to seven lanes is not the only restriping alternative. Restriping to six lanes would result in a lane width of 10.6 feet, slightly wider than the width of the lanes in Lincoln Boulevard north of Fiji Way, where lanes are typically ten feet. The applicant has not demonstrated d that this would not accomplish its goal.

Third, the applicant nowhere shows that the increase in lane width in this location would improve the Level of service at Lincoln Boulevard or at Fiji Way. Level of Service E is the present Level of Service at Lincoln Boulevard and Fiji Way and Lincoln Boulevard and Jefferson of Lincoln Boulevard and Fiji Way. The Applicant has not demonstrated the relationship of the construction of a bridge at Ballona Creek to improving the Level of

Service at Lincoln Boulevard and Fiji Way or of Lincoln Boulevard at Jefferson Boulevard. The Commission notes that the present project does not propose any measures to increase the capacity of the intersection of Lincoln Boulevard and Fiji Way or Lincoln Boulevard and Jefferson Boulevard. Instead, it will add two lanes to south bound Lincoln Boulevard and one lane to north bound Lincoln Boulevard; enhancing the speed and capacity of the southbound portions of Lincoln directly south of the intersection that is now at Level of Service E.

Moreover, it does not examine other means of improving the Levels of Service at those intersections. It does not examine where traffic on Lincoln originates to determine whether there are methods of rerouting that traffic, such as providing and alternate means of reaching eastbound routes, such as Route 90. It does not examine alternatives such as rerouting traffic attributable to new development onto other modes.

Finally, the applicant does not provide evidence that it has thoroughly examined other alternatives such a modal shift, which would reduce congestion at these intersections.

Even if the Commission were to agree with the applicant that there is no feasible alternative, the project must be consistent with the coastal act. As demonstrated above the project as proposed with section 30233(a) of the coastal act because it involves wetland fill for a purpose that is not allowable.

An opponent has suggested that this second phase of Lincoln (north of Jefferson) would have fewer impacts on wildlife and park use if the road were constructed with a longer span, as a suspension bridge or were elevated on columns. Independent of feasibility issues, Caltrans indicates that the grade of existing roads would have to be changed in order to construct a road that was elevated enough to make a difference. No one has investigated how much the northern portion of the road would have to be elevated in order to encourage wildlife to pass underneath it. The applicant argues that a suspension bridge, columns or even a longer span is each infeasible because of the expense. In addition, each of these changes would raise the level of the road surface. This change would have impacts on the Culver Loop and on the safety of the intersection of Lincoln Boulevard and Fiji Way.

In response, the opponents now suggest restriping the road to six lanes rather than widening it to seven lanes and constructing a new footbridge and bike path just west of the road. This alternative would avoid the new bridge. The small bridge for the bike path would not require fill or pilings in Ballona Creek. This new path would itself be elevated above existing grade to avoid impacts on habitat. Caltrans indicates that this alternative is not acceptable because it would not accomplish purpose of the project because it would not accommodate enough traffic.

Without investigating alternatives to widening the road, it is not possible to determine that there are no other feasible alternatives or mitigation measures available, which would lessen any significant adverse impact the activity, would have on the environment.

A second element of consistency of a project with CEQA is the provision of adequate mitigation. The applicant has not proposed mitigation measures such as purchase and rehabilitation of nearby areas as wetland, or installation of new culverts or other connection between the two areas on either side of the road that may be retained as habitat. In its draft Negative Declaration the applicant suggests payment of an *in lieu* fee for wetland impacts, but it has failed to demonstrate that such mitigation adequately provides that same kind of habitat that the project is removing in a timely fashion in an adequate ratio, nor has the applicant specified the amount of the fee or the receiving agency.

In a meeting with staff, the applicant discussed the possibility of installing moderately sized culverts to connect areas A and C as part of this development. The applicant's representatives argued that it is premature to engage in wetland mitigation such as culverts before the purchase of areas A, B and C is confirmed. Secondly, the applicant argues, a connection between these areas may not be desirable because it may allow the free movement of unwanted predators. Such a connection they argue should not be established until the purchase for the area is confirmed and any restoration is designed. On the other hand, the opponents of the project argue that until the restoration of those areas is confirmed and designed, it is premature to approve a road that should be designed along with the park. The Commission concurs: until the uses on the adjacent land and the needs of the restoration are determined, it is premature to invest in such a large and expensive project as this road, with its impacts on coastal resources, and the mitigation measures that would be required if the project were approvable.

The Commission finds that there may be feasible alternatives or mitigation measures that would lessen or avoid the identified impacts and render the development consistent with the Coastal Act. There are no mitigation measures proposed that are related to the kind and scope of the proposed impact. Therefore, the Commission finds that there may be feasible alternatives or mitigation measures that would lessen or avoid the identified impacts and render the development consistent with the Coastal Act. As proposed, the proposed project is not consistent with CEQA and the policies of the Coastal Act.

## APPENDIX

### SUBSTANTIVE FILE DOCUMENTS:

#### Project Specific Documents

- (1) Dhirubhai Patel, Project Engineer, Project Report: Route 1 Lincoln Boulevard from Jefferson Boulevard to Fiji Way; 07-LA-001-KP 48.5-49.4; EA 07279-166050, 166060, 166070 Program FR, Caltrans, March 27, 2001
- (2) Caltrans District 7, Route 1, Lincoln Boulevard, widening from Jefferson Boulevard to Fiji Way, Construction of new Bridge at Ballona Creek; replacement of the Culver Boulevard Overcrossing. Draft Initial Study, Environmental Assessment (IS/EA). December 6, 2000.
- (3) Caltrans District 7, Route 1, Lincoln Boulevard, widening from Jefferson Boulevard to Fiji Way, Construction of new Bridge at Ballona Creek; replacement of the Culver Boulevard Overcrossing. Initial Study, Environmental Assessment (IS/EA), Final Negative Declaration March 28, 2001; Final Finding of No Significant Impact (FONSI) 3/29/01.
- (4) Gustavo Ortega, Senior Engineering Geologist, Caltrans Office of Project Management, Geotechnical Report for widening of Lincoln Boulevard between KP 46.2 to KP 49.4, 07-LA-001; 07-166021, May 20, 1999.
- (5) Pam Beare, Department of Fish and Game, Email regarding wetlands, November 1, 2001.
- (6) Paul Caron, Senior District Biologist, Kristi Daniels, biologist, Caltrans, Memorandum to Aziz Elatter, Addendum to December 21, 2000 Natural Environmental Study Report, August 6, 2001.
- (7) Caltrans, map "Soil Pit Locations."
- (8) Stephanie Reeder, Caltrans, Letter to Pam Emerson Calif. Coastal Commission, December 20, 2001.

#### Certified Land Use Plans

- (9) Los Angeles County, Marina del Rey/Ballona LUP, Certified October 1984.
- (10) Barton Aschman Associates, "Playa Vista Study Area; Transportation Analysis, 1995, prepared for Summa Corporation, November, 1982"; "Enclosure A" of the Marina del Rey Ballona LUP, 1983.
- (11) Barton Aschman Associates, "Addendum to Playa Vista Study Area; Transportation Analysis, 1995", February 14, 1983, prepared for Summa Corporation, "Enclosure A" of the Marina del Rey Ballona LUP, 1983.
- (12) Los Angeles County Marina Del Rey LUP, Certified January, 1987.
- (13) City of Los Angeles Local Coastal Program, Certified Land Use Plan for Playa Vista, certified January, 1987,
- (14) City of Los Angeles General Plan Palms, Mar Vista Del Rey District Plan, – Playa Vista Area C Specific Plan;

#### EIR Traffic Documents and Mitigation Measures Playa Vista

- (1) LADOT Inter-departmental correspondence --Amendment of Initial Traffic Assessment and Mitigation Letter dated September 16, 1992 --Revised May 24, 1993.
- (2) Mitigated Negative Declaration--Playa Vista Plant Site (MND# 950240 (SUB) & Addendum to the EIR for the first Phase Project for Playa Vista -- August 1995
- (3) Jerry B. Baxter, District Director, Caltrans District 7, letter to Con Howe, Director of Planning, City of Los Angeles, re Playa Vista Traffic Mitigation Measures, September 10, 1993.
- (4) LADOT Inter-departmental correspondence --Amendment of Initial Traffic Assessment and Mitigation Letter dated September 16, 1992 --Revised May 24, 1993.
- (5) Mitigated Negative Declaration--Playa Vista Plant Site (MND# 950240 (SUB) & Addendum to the EIR for the first Phase Project for Playa Vista -- August 1995
- (6) Robert Goodell, Chief, Advance Planning Branch, Caltrans District 7; Memorandum to Tom Loftus, State Clearinghouse, re DEIR Playa Vista Phase I 90-0200 SUB (C) (CUZ) (CUB), March 22, 1993
- (7) City of Los Angeles Bureau of Engineering Staff Report, No. 95-03 --August 2, 1995
- (8) City of Los Angeles Mitigation Monitoring and Reporting Program Exhibit "C "As Amended To Include Condition of Approval No. 96 as Required by Condition of Approval NO. 12 of Vesting Tentative Tract no. 49104 (exhibit "b) and Condition of Approval No.'s 141, 141, 144, 145, 150, and 151 as Required by the Modification to VTTM 49104 Approved by the City Council on December 8, 1995 Exhibit "A".
- (9) City of Los Angeles, City Council, Action: Appeals against the Planning Commission's Approval of Tentative Tract 52092 and Modification of Tract 49104 for Property near Centinela Avenue and Jefferson Boulevard in the Playa Vista Area, December 8, 1995.
- (10) City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 49104 (As Revised December 8, 1995)
- (11) City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 52092 (December 8, 1995)
- (12) City of Los Angeles Tentative Tract Number 44668, Map and conditions of approval, May 4, 1987.
- (13) Playa Vista Entertainment Media and Technology District, Mitigated Negative Declaration, Playa Vista Plant Site (Addendum to Environmental Impact Report First Phase Project for Playa Vista), August 1995.
- (14) LADOT Inter-departmental correspondence --Amendment of Initial Traffic Assessment and Mitigation Letter dated September 16, 1992 --Revised May 24, 1993.

Coastal Development Permits and Appeals:

- (15) A-5-VEN-98-222 (EMC Snyder); A-5-90-653 (Channel Gateway); 5-91-463 (Maguire Thomas); 5-91-463A2, 5-91-463R; 5-91-463R2: 5-00-139W; extended (October 1997), currently expired; 5-91-463, 5-91-463A2, 5-91-463R, 5-95-148, permit waiver 5-00-139, 5-91-463, 5-98-164, A-5-PDR 99-130/5-99-151; [6-97-161](#), 5-02-382/A-5-PLV-00-417; 5-02-223/A-5-PLV-01-281

Methane Issues

- (16) City of Los Angeles City Engineer, Memorandum Public Works review of ETI report titled "Subsurface Geo-chemical Assessment of Methane Gas Occurrences" for the Playa Vista project; file 1996-092; May 10, 2000
- (17) Victor T. Jones, Rufus J. LeBlanc, Jr., and Patrick N. Agostino, Exploration Technologies, Inc, Subsurface Geotechnical Assessment of Methane Gas Occurrences. Playa Vista First Phase Project. April 17, 2000. [Also referred to as the Jones Report or "the ETI report."]
- (18) Camp Dresser and McKee 2000, "Soil gas sampling and analysis for portions of Playa Vista Areas A and C near Culver Boulevard Widening Project" 4 page geologic letter report to Maria P Hoye dated 27 November, 2000 and signed by A. J. Skidmore and M. Zych (RG).
- (19) Mark Johnsson, Senior Geologist, California Coastal Commission, Memorandum: "Culver Boulevard Widening Project and Potential Soil Methane Hazards"
- (20) City of Los Angeles Department of Building and Safety, Memorandum of General distribution, #92, Methane Potential Hazard Zones, March 19, 1991.
- (21) City of Los Angeles, Office of the Chief Legislative Analyst, City Investigation of Potential Issues of Concern for Community Facilities District No 4, Playa Vista Development Project, March, 2001

Geologic Stability

- (22) Davis and Namson, Consulting Geologists, "An evaluation of the subsurface structure of the Playa Vista Project Site and Adjacent Area, Los Angeles, California", November 16, 2000.

Wetland delineation

- (23) California Department of Fish and Game, Memorandum: "Extent of Wetlands in Playa Vista, December 1991."
- (24) California Coastal Commission, Memorandum: "Volume II Preliminary Working draft EIS/EIR Existing Conditions –Playa Vista March 5, 1998"
- (25) Agreement in Settlement in Litigation in the 1984 case of Friends of Ballona Wetlands, et al. v. the California Coastal Commission, et al. Case No. C525-826
- (26) Wetlands Action Network, Ballona Wetlands Land Trust and California Public Interest Research Group v. the United States Army Corps of Engineers.



- (27) Judge Lew, Federal District Court, June 1996, decision in Wetlands Action Network et al v United States Army Corps of Engineers.
- (28) Memo to Jim Burns, Dec 1991
- (29) Ted Winfield delineation, 2000
- (30) Pam Beare, email to Caltrans
- (31) URS, Jurisdictional Delineation of Wetlands and Waters for the Caltrans Route 1 (Lincoln Boulevard) Widening Project, URS Project No 57-00155017.12 00002, San Diego, May 8, 2002.
- (32) URS, Additional Evaluation of Salt Heliotrope for the Caltrans Route 1 (Lincoln Boulevard North Widening Project, URS project no. 29867300.00002; San Diego, November 27, 2002
- (33) Gustafson, Robert J., "Vegetation of Ballona", in Schreiber, Ralph, ed. Biota of the Ballona Region, 1981

#### Archaeology

- (34) Programmatic Agreement among the US Army Corps of Engineers, Los Angeles District, the Advisory Council on Historic Preservation and the California State Historic Preservation Officer, regarding the implementation of the Playa Vista Project, 1991.

#### Wetland uses:

- (35) Bolsa Chica Land Trust v. Superior Ct. (1999) 71 Cal. App. 4<sup>th</sup> 493.